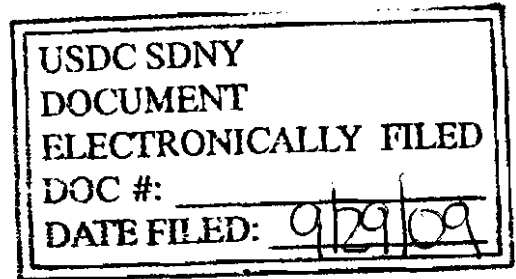


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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AXION POWER INTERNATIONAL, INC., ET AL.,

Plaintiffs,

07 Civ. 11493 (RWS)

- against -

O R D E R

MERCATUS & PARTNERS, LTD., ET AL.,

Defendants.

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Sweet, D.J.,

Defendant Banca MB S.p.A.'s Motion to Dismiss the Third Amended Complaint will be heard at noon on Wednesday, October 28, 2009, in courtroom 18C. All motion papers shall be served in accordance with Local Civil Rule 6.1.

It is so ordered.

New York, NY  
September 29, 2009

A handwritten signature of Robert W. Sweet in black ink, written over a horizontal line.

ROBERT W. SWEET  
U.S.D.J.